

**REMARKS**

Claims 1, 3, 8-9, 11, 14-17, 20, 22, 30-40 and 42-44 are pending. By this Amendment, Claims 1, 3, 8-9, 11, 14-17, 20, 22, 30 and 33-40 are amended, Claim 8 is canceled, and new Claim 45 is added.

The amendments are fully supported by the originally filed application. With respect to Claims 9, 11, 20 and 45, see for example the specification at page 37, line 13 to page 38, line 10. With respect to independent Claims 1, 15, 16, 30 and 40, see for example the specification at page 16, line 17 to page 17, line 4. With respect to Claim 1, see also for example the specification at page 37, lines 6-15.

**Claims 15-17, 20, 22, 40 and 42-44**

In the Office Action, the Examiner rejects Claims 15-17, 20, 22, 40 and 42-44 under 35 U.S.C. § 103(a) over Knudsen (U.S. 6,536,041) in view of Wynblatt (U.S. 6,546,421), Rasson (U.S. 6,137,549), and Krause (U.S. 5,926,205). This rejection is respectfully traversed.

The asserted combination fails to disclose or suggest “*wherein the first, second, third and fourth data feeds are transmitted to the client system **simultaneously** over the independent channels and **each independent channel corresponds to a different one of the priority level of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level***”, as recited in Claim 15, and similar features recited in Claims 16 and 40.

In the Office Action, the Examiner cites Rasson at Column 8, Lines 8-42 (C8/L8-42) as teaching prioritized delivery of data. In particular, Applicants note that C8/L34-37 teaches the feed generator(s) 52 taking data records from the highest priority feed generator queue 76, and then taking data records from other queues 76 in descending order of priority. Thus, Rasson teaches sending higher priority information before lower priority information, and does not disclose or suggest transmitting different priority information simultaneously.

The Examiner also cites Krause as teaching simultaneous transmission of different data. But, Krause’s simultaneously transmitted data don’t have different priorities. For example, at C14/L27-48 Krause explains a method for providing television programs on-demand by dividing

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a program or video segment into portions, and storing each portion on a separate disk. Then, the portions from the disks are simultaneously transmitted on different channels. For example, a first portion of the program is sent from a first disk on a first channel, a second portion of the program is sent from a second disk on a second channel, and so forth. But, the portions transmitted from the different disks don't have different priorities. Accordingly, Krause does not disclose or suggest transmitting different priority information simultaneously

Thus, neither Krause nor Reasson teaches or suggests simultaneously sending different priority information over different channels (each channel dedicated to a particular priority), as variously encompassed by independent Claims 15, 16 and 40. Knudsen and Wynblatt likewise fail to overcome these deficiencies of Krause and Rasson.

Consequently, the asserted combination fails to disclose or suggest “*wherein the first, second, third and fourth data feeds are **transmitted** to the client system **simultaneously over the independent channels** and **each independent channel corresponds to a different one of the priority level** of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level*”, as recited in Claim 15; “*wherein the first, second, third and fourth data feeds are transmitted to the client system **simultaneously over the independent channels** and **each independent channel corresponds to a different one of the priority level** of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level*” as recited in Claim 16; and “*wherein each of the first and second data feeds are **separately delivered** to a client system **according to the priority levels** assigned to the respective first and second event identifiers, wherein the first and second data feeds are transmitted to the client system **simultaneously**,*”, as recited in Claim 40.

With respect to dependent Claim 9, the asserted combination likewise fails to disclose or suggest “*wherein said alert is configured to automatically invoke an action when delivered to the at least one client system, the action comprising recording only beginning or ending portions of all television programs of a user-selected type*” as recited in Claim 9.

With respect to dependent Claim 11, the asserted combination likewise fails to disclose or suggest “*wherein said alert is configured to automatically invoke an action when delivered to the at least one client system, the action comprising extending a recording of one of the plurality of*

television programs”, as recited in Claim 11.

The asserted combination likewise fails to disclose or suggest that “*the action comprises extending the recording to include an overtime portion of a sporting event*”, as recited in Claim 45.

With respect to dependent Claim 20 which includes features similar to those recited in Claims 9, 11 and 45, the asserted combination likewise fails to disclose a service, “*wherein the at least one alert notification is configured to automatically invoke an action when delivered to the client system, the action comprising at least one of a) recording only beginning or ending portions of all television programs of a user-selected type, or b) extending a recording to include an overtime portion of a sporting event*”, as recited in Claim 20.

For at least the above reasons, withdrawal of the rejection of Claims 15-17, 20, 22, 40 and 42-44 under 35 U.S.C. § 103(a) over Knudsen, Wynblatt, Rasson, and Krause is respectfully requested.

### Claims 30-32

In the Office Action, the Examiner also rejects Claims 30-32 under 35 U.S.C. § 103(a) over Knudson in view of Ward (WO 00/333576 A1) in view of Wynblatt, Rasson and Krause. This rejection is respectfully traversed.

For the same reasons set forth above with respect to independent Claims 15, 16 and 40, Knudsen, Wynblatt, Rasson and Krause fail to disclose or suggest “*wherein each of the tunable alert and the second event identifier are **delivered** to the one or more client devices **according to their respective priority levels separately over independent channels**, wherein the tunable alert and the second event identifier are transmitted to the one or more client devices **simultaneously via the independent channels***”, as recited in independent Claim 30.

Ward fails to overcome the deficiencies of Knudsen, Wynblatt, Rasson and Krause with respect to the independent Claim 30, and thus Claim 30 is allowable and Claims 31-32 are likewise allowable for at least the same reasons.

Withdrawal of the rejection of Claims 30-32 under 35 U.S.C. § 103(a) over Knudson in view of Ward, Wynblatt, Rasson and Krause is respectfully requested.

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**Claim 37**

In the Office Action the Examiner rejects Claim 37 under 35 U.S.C. § 103(a) over Knudson in view of Wynblatt, Rasson, Krause and Ward. This rejection is respectfully traversed.

Claim 37 depends from independent Claim 16. Ward fails to overcome the deficiencies of Knudson, Wynblatt, Rasson, and Krause described further above with respect to independent Claim 16, and therefore Claim 37 is likewise allowable for at least the same reasons. Withdrawal of this rejection of Claim 37 is respectfully requested.

**Claims 38-39**

In the Office Action, the Examiner rejects Claims 38-39 under 35 U.S.C. § 103(a) over Knudson in view of Wynblatt, Rasson, Krause, Ward and Marshall (US 2002/0010697). This rejection is respectfully traversed.

Claims 38-39 depend from independent Claim 16. Ward and Marshall fail to overcome the deficiencies of Knudson, Wynblatt, Rasson, and Krause described further above with respect to independent Claim 16, and therefore Claims 38-39 are likewise allowable for at least the same reasons. Withdrawal of this rejection of Claims 38-39 is respectfully requested.

**Claims 1-3, 8-9, 11, 14, 33-34 and 36**

In the Office Action the Examiner rejects Claims 1-3, 8-9, 11, 14, 33-34 and 36 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald (U.S. 5,987,518) and Krause. This rejection is respectfully traversed.

As noted further above, Knudson, Wynblatt, Rasson and Krause, when considered both separately and in combination, fail to disclose or suggest simultaneously sending different priority information over different channels (each channel dedicated to a particular priority). Marshall and Gotwald likewise fail to overcome these deficiencies of Knudsen, Wynblatt Rasson and Krause.

Accordingly, the asserted combination of Knudson, Marshall, Wynblatt, Rasson, Gotwald and Krause fails to disclose or suggest “*wherein each of the first, second and third indicators*

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*and associated identifiers are delivered to the at least one client system according to their respective priority levels over independent channels, **each independent channel corresponding to a different one of the first, second or third priority levels**, and wherein the first, second and third indicators and associated identifiers are transmitted to the at least one client system simultaneously via the independent channels”, as recited in Claim 1.*

The asserted combination likewise fails to disclose or suggest these features in combination with features of “*wherein the first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in a television program of the plurality of television programs, the alert being a tunable alert*”, “*receiving a user’s selection of the tunable alert*” and “*in response to the user’s selection of the tunable alert, tuning to the television program corresponding to the tunable alert*”, as further recited in Claim 1.

Claims 2-3, 8-9, 11, 14, 33-34 and 36 depend from allowable Claim 1 and are therefore likewise allowable for at least the same reasons.

Withdrawal of the rejection of Claims 1-3, 8-9, 11, 14, 33-34 and 36 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald and Krause is respectfully requested.

In the event any questions arise regarding this communication or the application in general, please contact Applicants’ undersigned representative at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: February 6, 2009

By: /M. David Ream/

M. David Ream, Reg. No.: 35,333  
Attorney for Applicants  
Direct telephone: (425) 538-5530  
Microsoft Corporation  
One Microsoft Way  
Redmond WA 98052-6399

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